

Subject: Re: Your June 8, 2020 letter to me
From: [REDACTED]
Date: 7/7/20, 5:19 PM
To: "Paul Aeschliman" <33888@lapd.online>

Oh my goodness, I totally and completely accept everything you're saying! I'm sorry you feel unaccepted. The sheer volume of my acceptance of what you're saying is the very reason I'm not trying to convince you to change your mind, since I completely accept your statement that you're not allowed to and the decision isn't yours. I also accept your statement that you have no idea why you're not allowed to or who it is that isn't allowing you. But, as you say, the policies come down from the top. What form do they come in? Surely not orally, but in writing. I don't know if you've ever looked through LAPD archives, but I've spent a lot of time looking at paper from as far back as the 1940s, and nothing but nothing ever gets done, no policy implemented, no procedure set, without at least one notice or order or memo from someone, often to be read at roll call or otherwise distributed. In any case, can you at least tell me the name of your supervisor? Not to complain about you, but just to ask if they happen to know who's the boss of this particular policy.

Thanks!

[REDACTED]

On Tue, Jul 7, 2020, at 5:08 PM, Paul Aeschliman wrote:

[REDACTED]

I cannot give you a name any more than I can give you the name of the person who told me the procedure for handling a domestic violence investigation or how to search a vehicle. These are policies that have been part of how we operate since I came on the job and like any large organization, the policies come down from the top and I have no idea who issues them. Now I think we have taken this conversation as far as it can go. You obviously don't want to accept what I am saying but I cannot tell you anything else.

-----Original Message-----
From: [REDACTED]
Sent: Tuesday, July 07, 2020 4:57 PM
To: Paul Aeschliman <33888@lapd.online>
Subject: Re: Your June 8, 2020 letter to me

ATTENTION: This email originated outside of LAPD. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Thanks again for your answer!

I'm not interested in changing abstract policy to be sure, but I'm also sure that LAPD doesn't rely on individual officers to interpret policy in order to choose a course of action. Also I'm not asking you to tell me the name of "an individual person who has the power to release these records." I'm asking for the name of an individual person who is not

allowing you to release them. I doubt that Steve Soboroff or whoever's in charge over there right now called you up personally and told you not to. There's some rule or notice or order or something from LAPD brass that told you not to. All I'm interested in is who issued that?

[REDACTED]

On Tue, Jul 7, 2020, at 4:47 PM, Paul Aeschliman wrote:

[REDACTED]

I cannot give you a name of an individual person who has the power to release these records because, as I said, those decisions are made a lot higher up the food chain. You say you are not interested in changing abstract policy but for us it is not abstract. We are required to act according to policy. And the only ones who can change policy is the Police Commission. At any rate, as I said before, I have given you what information I can and I have directed you to several other groups you can take this up with. Your choice.

Sergeant Aeschliman

-----Original Message-----

From: [REDACTED]

Sent: Tuesday, July 07, 2020 4:31 PM

To: Paul Aeschliman <33888@lapd.online>

Subject: Re: Your June 8, 2020 letter to me

ATTENTION: This email originated outside of LAPD. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Thanks, but the Police Commission doesn't issue orders to individual sergeants as far as I know and I'm not interested in trying to change abstract policy, especially when it contradicts the law. When you said you're not allowed to, did you mean that the Police Commission directly doesn't allow you to? It seems more likely to me that some superior officer is doing the not-allowing. Who is it? If it really was the Police Commission that told you personally not to release these files, was it oral or is there a written order about it? To be clear, I'm looking for an individual person who has the power to decide if these particular documents can be released rather than a policy-setting body that does not issue orders to officers.

On Tue, Jul 7, 2020, at 4:25 PM, Paul Aeschliman wrote:

[REDACTED]

I would suggest starting with the Police Commission, Inspector General's office. The Police Commission is responsible for policy for the Department.

-----Original Message-----

From: [REDACTED]

Sent: Tuesday, July 07, 2020 4:15 PM
To: Paul Aeschliman <33888@lapd.online>
Subject: Re: Your June 8, 2020 letter to me

ATTENTION: This email originated outside of LAPD. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

OK, thanks for getting back to me.

You said that California law "precluded" you from releasing the information. The first section you cite, 832.5(c) PC, states only that unfounded complaints are to be considered personnel file material for CPRA purposes. The CPRA at 6254(c) allows agencies to withhold personnel file material when releasing it would be an unwarranted invasion of privacy.

So to rely on that section requires a determination that the invasion of privacy is unwarranted in relation to the public interest in release. Have you determined that, and if so, why is it? This determination is mandatory if the agency refuses to release personnel file information.

Also, the CPRA is exceedingly and explicitly clear that all exemptions are discretionary. That is, there's nothing in the law which prevents LAPD from releasing this information. The fact that 832.5(c) PC only refers back to the CPRA means that it too is discretionary. So in those laws at least LAPD is not precluded at all, but has chosen not to release.

But if you're not allowed to, you're not allowed to, and there's no point arguing about it! Can you tell me who it is that is not allowing you to so I can take it up with them?

Thanks!

On Tue, Jul 7, 2020, at 4:05 PM, Paul Aeschliman wrote:

There are multiple laws that cover employment in California including 832.5 PC and Section 6254 of the Public Record Act. I am not familiar with all of them since any decision to release any records is made by other sections like IAG, the Inspector General or Legal Affairs Division. All I can tell you is I am not allowed to release any other information on your complaint.

Sergeant Aeschliman

-----Original Message-----

From: [REDACTED]
Sent: Tuesday, July 07, 2020 3:26 PM

To: Paul Aeschliman <33888@lapd.online>
Subject: Re: Your June 8, 2020 letter to me

ATTENTION: This email originated outside of LAPD. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Good afternoon again, Sergeant!

Can you tell me what law in particular "precludes" you from releasing this information?

Thanks,

On Tue, Jul 7, 2020, at 3:13 PM, Paul Aeschliman wrote:

Good Afternoon [REDACTED]

Unfortunately, I cannot share the reason for the Unfounded disposition. Personnel complaints are part of an employee's personnel package and California Employment Law precludes us from releasing specific data. All I can do is tell you the outcome of the investigation and the steps that are taken for any personnel complaint.

Sergeant Aeschliman

-----Original Message-----

From: [REDACTED]
Sent: Tuesday, July 07, 2020 12:37 PM
To: Paul Aeschliman <33888@lapd.online>
Cc: Brian Morrison <36789@lapd.online>
Subject: Re: Your June 8, 2020 letter to me

ATTENTION: This email originated outside of LAPD. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Hello, Sergeant Aeschliman.

Thanks for getting back to me on this. I'm hoping you will share the facts on which your "unfounded" finding was based. In particular, since the City of LA has admitted repeatedly that the planters are illegal, and since the evidence shows your officers assisted property owners to install them, it's kind of hard to understand exactly what is unfounded here. If you could release some details it would be of great interest to the public.

Thanks,

On Wed, Jul 1, 2020, at 6:13 AM, Paul Aeschliman wrote:

Good Morning [REDACTED]

I am sorry you did not hear back from Captain Morrison. Unfortunately, between Covid-19, the protests and trying to run a Division, he has been buried with work and things are starting to pile up. But I am the one who can best help you since I am the Pacific Area complaint coordinator.

The date of March 13, 2019 should be May 13, 2019. That is the date that IAG received a document from you entitled, "Report to the Los Angeles Police Department on violations of the Los Angeles Municipal Code relating to anti-homeless planters by a number of sworn officers."

It is Los Angeles Police Department policy that any allegation of misconduct against our officers shall be investigated. Since your report claimed violations of the Municipal Code, which would be misconduct, a complaint investigation was initiated. The letter you refer to was to inform you that the investigation had concluded and what the outcome was.

I hope this clears up the misunderstanding, but if not, do not hesitate to contact me.

Sergeant Aeschliman
Complaint Coordinator
Pacific Area
(310) 482-6310

-----Original Message-----

From: [REDACTED]
Sent: Tuesday, June 30, 2020 4:11 PM
To: Paul Aeschliman <33888@lapd.online>
Cc: Brian Morrison <30789@lapd.online>
Subject: Fwd: Your June 8, 2020 letter to me

ATTENTION: This email originated outside of LAPD. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Good afternoon, Officer Aeschliman.

Your commander, Officer Morrison, sent me a letter on June 8, 2020, a copy of which is attached for reference. It refers to "a complaint that was reported on March 13, 2019." However, I didn't file any complaints with LAPD on that day or any other day in March 2019. I wrote to Officer Morrison a couple weeks ago asking him to clarify what this letter was in response to but he has not answered yet. I'm hoping you can help me understand precisely what this letter is about.

Thanks,
[REDACTED]

P.S. Also please note that the letter was misaddressed, which will be important if LAPD ever responds to the complaints I actually did file in months other than March 2019.

----- Original message -----

From: [REDACTED]
To: 30789@lapd.online
Subject: Your June 8, 2020 letter to me
Date: Saturday, June 13, 2020 9:38 AM

Good morning, Cmdr. Morrison.

I recently received the attached letter from you regarding a "complaint that was reported on March 13, 2019." According to my records I did not submit a complaint to LAPD in March 2019, so I'm hoping you can tell me specifically what this is in reference to.

Also, you misaddressed the letter. I live on W 51st Place rather than W 51st Street. My mail carrier knows me so I got it anyway but when there's a substitute carrier letters addressed this way often get returned to sender, so please make a note for future correspondence.

Thanks,
[REDACTED]